

REMARKS

Request for Reconsideration

Applicant has carefully considered the matters raised by the Examiner in the outstanding Office Action but remains of the opinion that patentable subject matter is present. Applicant respectfully requests reconsideration of the Examiner's position based on the above amendments to the claims and the following remarks.

The Present Invention

The present Invention is directed to an apparatus and computer-readable medium which allows a user to copy information from a source, such as, a digital camera onto a recording medium, such as, a CD. One of the unique aspects of the present Invention is that the recording medium is checked to insure that it is compatible with the data which is intended to be stored on the recording medium. If the recording medium is acceptable for storing the data, then the data is recorded onto the recording medium, otherwise, it is not. Claim 1 has been amended herein to more particularly point out this aspect of the present Invention so as to distinguish the present Invention from the cited reference.

Claims Status

Claims 1-9 are pending in this Application. Claim 1 has been amended herein to more particularly point out the claimed invention. Support for these amendments can be found on page 8, lines 7-18 and page 16, lines 14-17.

Claims 2 and 3 have been amended to correct obvious clerical errors. Claims 4-6 have been amended to address the 101 rejection made by the Examiner. Claims 7-9 have been amended to better claim the subject matter defined therein.

Respectfully, no new matter has been added by way of these amendments.

Rejection Under 101

Claims 4-6 have been rejected under 35 USC 101 as claiming non-statutory subject matter. As noted by the Examiner, a program is not statutory subject matter, but computer-readable medium is statutory subject matter. This suggestion is appreciated and has been adopted herein.

Respectfully, Claim 4-6 are now directed to statutory subject matter.

Prior Art Rejection

Claims 1-9 have been rejected as being anticipated by Omura.

As noted above, the present Invention is directed to an apparatus and a computer-readable medium containing program which compares data that is to be inputted onto a recording medium with the recording medium to insure that the recording medium is satisfactory for recording the data thereon. If it is determined that the recording medium is compatible with the data, then the data is inputted to the recording medium. If it is not, then it doesn't input the data to the recording medium, see page 8, lines 4-22 and page 17, lines 15-17.

In contrast, Omura places flags on information that is recorded on a disk and then uses those flags to prevent copying of the information from the disk, see paragraph 50 of Omura. In other words, Omura teaches utilizing flags recorded on a disk to prevent copying of the data from the disk onto another recording medium. Omura does not teach

or suggest comparing the type of recording medium with the input data to determine whether the input data can be recorded onto the recording medium.

It is true that Omura and the present Invention prevent copying of data from one medium to another, but they do it in different ways. Omura looks to the data to see if the data has been designated as not copyable, while the present Invention looks to the recording medium to see if it is compatible with the data. Thus, Omura and the present Invention have different functions; Omura to prevent unauthorized copying, the present Invention to insure compatibility between the recording medium and the data; and Omura and the present Invention perform these functions in a different way, Omura looks to flags on the data, while the present Invention evaluates the recording medium to see if it is compatible with the data.

Specifically, the present Invention extracts information from the recording medium for discriminating the recording medium to determine whether the recording medium is compatible with the inputting data. The present Invention does not look to the inputting data to see

whether it is allowed to be recorded but, rather, whether the recording medium is compatible with the input data.

Respectfully, the claims, as presented herein, are patentable over Omura.

Drawing Corrections

In reviewing the Specification, it was noted that reference character 11 in FIG. 5 was used two ways, once to refer to the Operation Means and once to refer to the Network Connection Section. This is clearly a clerical error since section 17 is defined as the Network Connection Section, see page 9, line 19.

Respectfully, no new matter has been added by way of this amendment to the drawing to FIG. 5.

Conclusion

In view of the foregoing, it is respectfully submitted that the Application is in condition for allowance and such action is respectfully requested.

Should any fees or extensions of time be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit account #02-2275.

Respectfully submitted,

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Attached: Replacement Sheet of FIG. 5.